

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TERRY JAMES

Plaintiff,

VS.

RICHARD LeMAY, ET AL.

Defendants.

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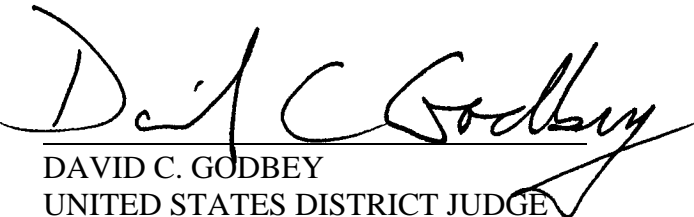
NO. 3-10-CV-0076-N

ORDER

After conducting a review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1), including de novo review of those portions to which objection was made, I am of the opinion that the Findings and Recommendation of the Magistrate Judge are correct, and they are hereby accepted as the Findings of the Court. James failed to allege that any class-based, invidiously discriminatory animus lay behind the alleged conspirators' action, such as, for example, that the alleged conspirators were hostile to James because of James' race. Absent such an allegation, James' 42 U.S.C. § 1985(3) claim fails as a matter of law. James' other claims do not arise under federal law and thus do not support subject matter jurisdiction.

SO ORDERED.

SIGNED March 22, 2010.


DAVID C. GODBEY
UNITED STATES DISTRICT JUDGE